IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 114 of 2007()

Crime No.243/06 of Keezhvaipur Police Station

: PETITIONERS/ACCUSED NOS.2 AND 3 IN CRIME NO.243/06

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1. SAJEEV, AGED 27 YEARS,
S/O.KARUNAKARAN, KARUNA SADANAM,
MUKKANJIRAM, PAIPPAD VILLAGE, CHANGANACHERRY.

2. VINOD, AGED 29 YEARS,
S/O.RAJAPPAN, THADATHIL VEEDU,
MUKKANJIRAM, PAIPPAD VILLAGE,
CHANGANACHERRY.

BY ADV. SRI.P.GOPAKUMARAN NAIR

RESPONDENT: COMPLAINANT IN CRIME NO.243/2006

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 114 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 2 and 3 in crime No.243 of 2006 of Keezhvaipur Police Station for offences punishable under Section 8(1) and (2) of Abkari Act for allegedly having been found in possession of 1.5 litres of arrack and 5 litres of spirit and a glass tumbler presumably for retail sale of the contraband liquor on 20.12.2006 and who were arrested on the same day, seek their enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioners' contention that they were in possession of only 1.5 litres of arrack and that 5 litres of spirit were possessed by the first accused and that it was not joint possession meant for sale of the contraband liquor.

3. The learned Public Prosecutor opposed the application.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this

case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.

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